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Attorneys for Plaintiffs A.J.P., et al.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.J.P. and A.M.P., minors, by and
through their guardian *ad litem* Cynthia
Nunez, individually and as successor in
interest to Albert Perez, deceased; and
PATRICIA RUIZ, individually,

Plaintiffs,

vs.

COUNTY OF SAN BERNARDINO;
and DOES 1-10, inclusive,

Defendants.

Case No. 5:22-cv-01291-SSS-SHK

*Hon. Sunshine S. Sykes,
Hon. Magistrate Shashi H. Kewalramani*

**PLAINTIFFS' OBJECTIONS TO
DEFENDANTS' EVIDENCE
OFFERED IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT/
ADJUDICATION**

*[Filed concurrently with [PROPOSED]
Order.]*

Date: April 19, 2024

Time: 2:00 P.M.

Courtroom: Courtroom 2, 2nd Floor

**PLAINTIFFS' OBJECTIONS TO DEFENDANTS' EVIDENCE PRESENTED
IN THEIR STATEMENT OF UNDISPUTED FACTS**

1 Pursuant to this Court's Standing Order (Dkt. 13), Plaintiffs A.J.P. and A.M.P.,
2 minors, by and through their guardian ad litem Cynthia Nunez, and PATRICIA
3 RUIZ, individually respectfully submit their legal objections to Defendants'
4 evidence proffered in support of their Motion for Summary Judgment.
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8 DATED: March 15, 2024

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11 By /s/ Shannon J. Leap
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13 Law Offices of Dale K. Galipo
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PLAINTIFFS' OBJECTIONS TO DEFENDANTS' EVIDENCE

Fact No.	Defendants' Fact and Supporting Evidence	Objection
1.	On Sunday, August 29, 2021, at approximately 1726 hours, San Bernardino County Sheriffs' Dispatch received a 911 call for service at 16576 Zenda Street #1, Victorville. Supporting Evidence: Call Log History (Ex. "A") at pg. 1.	As to " Ex. A ": Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under F.R.E. 803. Misleading and prejudicial under F.R.E. 403.
2.	The reporting party, Helen Fregoso, reported her daughter's friend, Albert Perez ("Perez"), was in the garage, causing a disturbance, and that he had a gun in his front right pocket. (Call Log History (Ex. "A") at pg. 1; Fregoso Depo. (Ex. "B") at 32:5-17, 22-25, 33:1-3.)	As to " Ex. A ": Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under F.R.E. 803. Misleading and prejudicial under F.R.E. 403. Vague and Ambiguous as to "disturbance," Irrelevant under F.R.E. 401, 402
3.	Helen Fregoso's daughter, Renee Caudillo, advised Sheriffs Dispatch that Perez told her that she was causing him problems and thought people were after him, and that he pulled out a black gun from his pocket. (Call Log History (Ex. "A") at pg. 1.	As to " Ex. A ": Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under F.R.E. 803. Misleading and prejudicial under F.R.E. 403.
4.	Deputy Steven Carter was the first to arrive at the incident location, and located Perez in the garage and observed a black gun in Perez' hand. (Call Log History (Ex. "A") at pg. 2.	As to " Ex. A ": Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under F.R.E. 803. Misleading and prejudicial under F.R.E. 403.
5.	Deputy Steven Carter ordered Perez to drop the gun, but Perez did not comply. (Call Log History (Ex. "A") at pg. 2.)	As to " Ex. A ": Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under

		F.R.E. 803. Misleading and prejudicial under F.R.E. 403. Irrelevant under F.R.E. 401, 402. Vague and ambiguous and assumes facts not in evidence as to “ordered” and “not comply.” Calls for speculation and lacks foundation.
6.	Perez remained in the garage with the gun in his hand and refusing commands from deputies to drop the gun. (Call Log History (Ex. “A”) at pgs. 2, 3, 4.)	As to “ Ex. A ”: Multiple levels of Hearsay, under F.R.E. 801, 802 with no applicable exception under F.R.E. 803. Misleading and prejudicial under F.R.E. 403. Irrelevant under F.R.E. 401, 402. Vague and ambiguous and assumes facts not in evidence as to “refusing commands” Calls for speculation and lacks foundation.

Respectfully Submitted,

Dated: March 15, 2024,

LAW OFFICES OF DALE K. GALIPO

By: /s/ Shannon J. Leap
Dale K. Galipo
Shannon J. Leap
Attorneys for Plaintiffs